

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Case No. 1:21-cr-00130

Jacob Bradley Demarais,

Defendant.

ORDER GRANTING MOTION TO CONTINUE TRIAL

[¶1] THIS MATTER comes before the Court on a Motion to Continue Trial filed by the Defendant on April 25, 2022. Doc. No. 33. Trial is scheduled in this matter for May 24, 2022. This is the Defendant's **third** request for a continuance of trial.

[¶2] As grounds for the request, counsel notes he has secured an expert witness who recently completed his review of the case. Counsel requires additional time to review the findings and go over them with the Defendant. Counsel has informed the Defendant of the request and he understands the delay will be excluded from calculation under the Speedy Trial Act. The Defendant has filed a Waiver of Speedy Trial Rights. Doc. No. 26. The United States does not object to the continuance request.

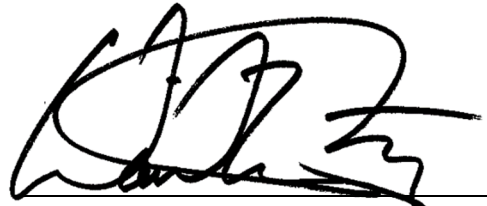
[¶3] Upon consideration, the Court finds there is good cause to continue the trial, and “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial” pursuant to 18 U.S.C. § 3161(h)(7)(A). See United States v. Lucas, 499 F.3d 769, 782-83 (8th Cir. 2007); United States v. Hohn, 8 F.3d 1301, 1305 (8th Cir. 1993); United

States v. Driver, 945 F.2d 1410, 1414 (8th Cir. 1991). Accordingly, the Court **GRANTS** the Defendant's Motion to Continue Trial.

[¶4] Trial in this matter shall be rescheduled for Tuesday, September 13, 2022, at 9:30 a.m. in Bismarck Courtroom 1 before the undersigned. A three (3) day trial is anticipated. All time that elapses from the date of this Order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B).

[¶5] **IT IS SO ORDERED.**

DATED April 26, 2022.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court